

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,	)	
	)	No. CR-06-6053-WFN-1
Plaintiff,	)	
	)	ORDER GRANTING DEFENDANT'S
v.	)	MOTION FOR RELEASE
	)	
SALVADOR CASTANEDA,	)	
	)	
Defendant.	)	

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At the November 30, 2006, hearing on Defendant's Motion to Reconsider Setting Bond/Conditions of Release, counsel Bevan Maxey appeared with Defendant; Assistant U.S. Attorney Aine Ahmed represented the United States.

Defendant originally appeared on October 6, 2006, following arrest on a Complaint for charges of conspiracy to distribute more than five kilograms of cocaine. Thereafter, he was indicted and has been in custody. He has a trial date of December 18, 2006, in Richland. Defendant had a detention hearing on October 12, 2006, before Judge Leavitt (Ct. Rec. 25), and two hearings since then (November 3rd and November 30<sup>th</sup>) with the undersigned to address whether there was a combination of conditions that would reasonably assure that Defendant is not a risk of nonappearance or risk to the community. (See Ct. Rec. 78, Order Denying Defendant's Motion to Set Release Conditions, following the November 3<sup>rd</sup> hearing). Following the submission of additional information, including the results of a chemical dependency assessment, the undersigned took this matter under advisement.

1 The results of the evaluation conducted by Lakeside Recovery  
2 Centers of Spokane, Inc., reflects a diagnosis of alcohol and  
3 cannabis dependence and cocaine abuse. The treatment recommendation  
4 is to complete a Level II.1 Intensive Outpatient Treatment Program.  
5 Defendant represents that he is ready and willing to do this and  
6 would be able to reside with his sister, Griselda Guevara, who lives  
7 in Pasco, Washington. Ms. Guevara immediately would notify the  
8 court if she became aware of, or anticipated, a violation of the  
9 conditions of release. Defendant's extended family members and  
10 three children also live in the Pasco area.

11 Defendant has a criminal history, which includes failures to  
12 appear and matters which went to outstanding warrant status. In  
13 addition, of concern to the undersigned, is that Defendant allegedly  
14 possessed a weapon at the time of arrest.

15 However, the representation is that his family will provide  
16 support and structure to assist him with addressing chemical  
17 dependency and chemical abuse issues. Defendant represents that the  
18 state warrant matters can be resolved in a manner that would not  
19 interfere with Defendant's federal court schedule.

20 The pending matter also was taken under advisement to permit  
21 counsel to further explore the pending warrant matters. On December  
22 4, 2006, (Ct. Rec. 88, Declaration of Bevan Maxey) the defense  
23 representation was that due to posting \$5,600 in bail by family and  
24 friends, no outstanding warrants currently exist. The United States  
25 has filed a Supplemental Response. (Ct. Rec. 89, December 4, 2006.)  
26 The undersigned concludes there is a combination of conditions to  
27 reasonably assure that Defendant is not a risk of non-appearance or  
28 risk to the community.

1       **IT IS ORDERED** Defendant's Motion (**Ct. Rec. 84**) is **GRANTED**.  
2 Defendant shall be released on the following conditions:

3       1. Defendant shall participate in intensive outpatient  
4 treatment as set forth above. Prior to release, an appointment for  
5 Defendant's first intensive outpatient treatment session must be  
6 made by Defendant and confirmed by Pretrial Services. The treatment  
7 program must be in place and Defendant shall not be released until  
8 the day of his first appointment. **If Defendant fails in any way to**  
9 **comply or cooperate with the requirements of the outpatient**  
10 **treatment program, Pretrial Services and the parties are directed to**  
11 **immediately notify the court. Treatment shall not interfere with**  
12 **the Defendant's court appearances.** Full mutual releases shall be  
13 executed to permit communication between the court, Pretrial  
14 Services, and the treatment vendor. If random urinalysis testing is  
15 not conducted by the treatment provider, Defendant shall be subject  
16 to random urinalysis testing by the United States Probation Office,  
17 not to exceed six times a month.

18       2. Defendant shall reside with his sister, Griselda Guevara,  
19 who will transport Defendant to all treatment appointments unless  
20 Pretrial Services permits transport by another responsible  
21 individual.

22       3. **Except for 1½ hours each week for attendance at spiritual**  
23 **services, court-related appearances, and outpatient treatment**  
24 **appointments, the Defendant shall remain under home detention.** The  
25 Defendant shall participate in a program of electronically monitored  
26 home confinement. The Defendant shall wear, at all times, an  
27 electronic monitoring device under the supervision of U.S.  
28 Probation. In the event the Defendant does not respond to

1 electronic monitoring or cannot be found, U.S. Probation Officers  
2 shall forthwith notify the United States Marshals' Service, who  
3 shall immediately find, arrest and detain the Defendant. The  
4 Defendant shall be responsible for all costs of electronic  
5 monitoring.

6 4. Defendant shall not commit any offense in violation of  
7 federal, state or local law.

8 5. Defendant shall advise the court and the United States  
9 Attorney in writing before any change in address, and he must have  
10 prior permission from the court to change addresses.

11 6. Defendant shall appear at all proceedings and surrender as  
12 directed for service of any sentence imposed.

13 7. Defendant shall sign and complete form A.O. 199C before  
14 being released and shall reside at the address furnished.

15 8. Defendant shall remain in the Eastern District of  
16 Washington while the case is pending. On a showing of necessity,  
17 Defendant may obtain prior written permission to leave this area  
18 from the United States Probation Office.

19 9. Defendant shall not possess a firearm, destructive device  
20 or other dangerous weapon.

21 10. Defendant is further advised, pursuant to 18 U.S.C. §  
22 922(n), it is unlawful for any person who is under indictment for a  
23 crime punishable by imprisonment for a term exceeding one year to  
24 ship or transport in interstate or foreign commerce any firearm or  
25 ammunition or receive any firearm or ammunition which has been  
26 shipped or transported in interstate or foreign commerce.

27 11. Defendant shall refrain from the use of alcohol, and the  
28 use or possession of a narcotic drug and other controlled substances

1 defined in 21 U.S.C. § 802, unless prescribed by a licensed medical  
2 practitioner. **There shall be no alcohol or unlawful drugs in the**  
3 **home of Defendant's sister, Ms. Guevara.**

4 12. Defendant shall report to the United States Probation  
5 Office before or immediately after his release and shall report as  
6 often as they direct, at such times and in such manner as they  
7 direct, but at least three times a week by telephone. Defendant  
8 shall contact his attorney at least twice a week.

9 13. Defendant shall post a \$10,000 corporate surety bond, and  
10 a \$15,000 unsecured appearance bond, co-signed by Ms. Guevera.

11 **Defendant is advised a violation of any of the foregoing**  
12 **conditions of release may result in the immediate issuance of an**  
13 **arrest warrant, revocation of release and prosecution for contempt**  
14 **of court, which could result in imprisonment, a fine, or both.**  
15 **Specifically, Defendant is advised a separate offense is established**  
16 **by the knowing failure to appear and an additional sentence may be**  
17 **imposed for the commission of a crime while on this release. In**  
18 **this regard, any sentence imposed for these violations is**  
19 **consecutive to any other sentence imposed.**

20 **IT IS FURTHER ORDERED** the United States Marshal shall keep  
21 Defendant in custody until notified by the District Court Executive  
22 or judicial officer that Defendant has posted bond and/or complied  
23 with all other conditions for release. Until such time, Defendant  
24 shall be produced before the appropriate judicial officer at the  
25 time and place specified.

26 DATED December 5, 2006.

27  
28 S/ CYNTHIA IMBROGNO  
UNITED STATES MAGISTRATE JUDGE